

1819.7004 Contract clause.

The contracting officer shall insert the clause at 1852.219-76, NASA Small Disadvantaged Business Goal, in all solicitations and contracts (other than those for small purchases).

Subpart 1819.71—NASA Rural Area Small Business Plan

SOURCE: 55 FR 47479, Nov. 14, 1990, unless otherwise noted.

1819.7101 Definition.

Rural area means a county with a population of fewer than twenty thousand individuals.

1819.7102 General.

Public Law 100-590 requires NASA to establish a Rural Area Business Enterprise Development Plan that includes methods for encouraging prime and subcontractors to use small business contractors located in rural areas as subcontractors. One method is to encourage the contractor to use its best efforts to comply with the intent of the statute.

1819.7103 Solicitation provision and contract clause.

The contracting officer shall insert the clause at 1852.219-74, Use of Rural Area Small Businesses, in solicitations and contracts that offer subcontracting possibilities or that are expected to exceed \$500,000 (\$1,000,000 for construction of public facility) unless the contract, together with all its subcontracts, is to be performed entirely outside of any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subpart 1819.72—The NADA Mentor-Protege Program

SOURCE: 60 FR 15500, Mar. 24, 1995, unless otherwise noted.

1819.7201 Scope of subpart.

The NASA Mentor-Protege Program is designed to incentivize NASA prime contractors to assist Small Disadvantaged Business concerns, Historically Black Colleges and Universities, and

Minority Institutions in enhancing their capabilities to perform NASA contracts and subcontracts, foster the establishment of long-term business relationships between these entities and NASA prime contractors, and increase the overall number of these entities that receive NASA contract and subcontract awards.

1819.7202 Definitions.

(a) *Historically Black Colleges and Universities (HBCU)*, as used in this subpart, means institutions determined by the Secretary of Education to meet the requirements of 34 CFR 608.2 and listed therein. HBCUs include any nonprofit research institution that was an integral part of such a college or university before November 14, 1986.

(b) *Minority Institutions (MI)*, as used in this subpart, means institutions verified by the Secretary of Education to meet the criteria set forth in 34 CFR 637.4. MIs include Hispanic-serving institutions as defined by 20 U.S.C. 1059c(b)(1).

(c) *Small Disadvantaged Business concern (SDB)*, as used in this subpart, means small business concerns owned and controlled by socially and economically disadvantaged individuals (as those terms are used in section 8(a) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and small business concerns owned and controlled by women (see section 8(d) of the Small Business Act (15 U.S.C. 637(d)) as amended by Public Law 103-355.

(d) *High-Tech*: As used in this subpart, means research and/or development efforts that are within or advances the state-of-the-art in a technology discipline and are performed primarily by professional engineers, scientists, and highly skilled and trained technicians or specialists.

1819.7203 Non-affiliation.

For purposes of the Small Business Act, a protege firm may not be considered an affiliate of a mentor firm solely on the basis that the protege firm is receiving developmental assistance referred to in 1819.7214 from such mentor firm under the program. Neither shall partial ownership, up to 10 percent of a

Department of Defense (DOD) sanctioned Protege firm by its DOD mentor constitute affiliation by NASA.

1819.7204 Transportability of features from the Department of Defense (DOD) Mentor-Protege Program to NASA contractors.

(a) In accordance with the benefits authorized by the DOD Mentor-Protege program (Public Law 101-510, Section 831, as amended by Public Law 102-190, Section 814), a NASA contractor who is also an approved DOD Mentor can transfer credit features to their NASA contracts.

(b) NASA prime contractors, who are approved DOD mentors, can award subcontracts noncompetitively under their NASA contracts to the proteges which they are assisting under the DOD program (Public Law 101-510, Section 831(f)(2)).

(c) NASA prime contractors may count the costs of developmental assistance provided to proteges being assisted under the DOD program toward meeting the goals in their subcontracting plans under their NASA prime contracts (Public Law 102-190, Section 814). Limitations which may reduce the value of this benefit include:

(1) Credit toward attaining subcontracting goals is available only to the extent that the developmental assistance costs have not been reimbursed to the contractor by DOD as direct or indirect costs; or

(2) The credit is available to meet the goals of a NASA subcontracting plan only to the extent that it has not been applied to a DOD subcontracting plan. The same unreimbursed developmental assistance costs cannot be counted toward meeting the subcontracting goals of more than one prime contract. These costs would accrue from credit for the multiples attributed to assistance provided by Small Business Development Centers, Historically Black Colleges and Universities and Minority Educational Institutions.

(d) The features identified in paragraphs (a), (b) and (c) of this section point out the portability of features from the DOD Mentor Protege Program to NASA prime contractors. NASA mentors will be held to show "good faith" by providing actual developmen-

tal assistance beyond transferring credit from activity in the DOD program to NASA subcontracting plans.

1819.7205 General policy.

(a) Eligible large business prime contractors, not included on the "Parties Excluded from Procurement Program" list, who have at least one active subcontracting plan, and who are approved as mentor firms will enter into agreements with eligible entities as defined in 1819.7202 as Proteges to provide appropriate developmental assistance to enhance the capabilities of Proteges to perform as subcontractors and suppliers. Eligible small business prime contractors, not included on the "Parties Excluded from Procurement Programs" list, and that are capable of providing developmental assistance to SDB's, may be approved as mentors. An active mentor-protege arrangement requires the protege to be a subcontractor under the mentor's prime contract with NASA.

(b) The pilot program has a duration of three years commencing from March 24, 1995. During this period, eligible mentor firms, which have received approval by NASA to participate in the program pursuant to section 1819.7212, may enter into agreements with protege firms.

(c) For the pilot phase of the program, mentor-protege activity will be limited to cost-plus-award-fee contracts.

(d) Costs incurred by a mentor to provide developmental assistance, technical or managerial assistance described in section 1819.7214, are allowable.

1819.7206 Incentives for prime contractor participation.

(a) During source selection, Mentor-Protege will be evaluated under SDB Utilization which is a stand-alone evaluation subfactor under the Mission Suitability.

(b) Under cost-plus-award fee contracts, approved mentor firms shall be eligible to earn award fee associated with their performance as a mentor by performance evaluation period. The award fee plans of all NASA contracts are structured such that 15 percent of the available award fee is allocated for